REMARKS

In the Official Action, claim 1 has been rejected as being anticipated by U.S. patent no. 6,134,580 (TAHARA et al.). Claims 2, 11, and 21 have been rejected as being unpatentable over TAHARA et al. in view of Official Notice. Claims 3, 4, 6 – 10, 12 – 17, 22 – 28, 31, and 32 have been rejected as being unpatentable over TAHARA et al. in view of Official Notice, in further view of JAGANNATHAN et al. Claims 5, 18 – 20, 29, and 30 have been rejected as being unpatentable over TAHARA et al. in view of Official Notice and JAGANNATHAN et al., in further view of LAPORTA et al. Applicants respectfully traverse.

Claim 1, as amended, is believed to be patentable over TAHARA et al. at least because TAHARA et al. do not disclose the following features:

(a)   the process discards execution states and at least one of data and program code specific to the first host;

(b)   the process receives execution states and at least one of data and program code specific to the second host.

The Examiner asserts feature (a) is disclosed at column 14, lines 58 to 61 which state, with respect to Figure 5, that "the local side, upon receiving notification of success (step 54), deletes the agent process (step 512) and..." (emphasis added). As mentioned previously in the June 6, 2005, Reply, the system of TAHARA et al. deletes the entire process, thus, this section of TAHARA et al. does not disclose the process discarding data from itself as required by feature (a).

It is also again noted that the agent of the second embodiment of TAHARA et al. is deleted under control of the node manager 15 (see column 16, lines 23 to 27 and

column 17, lines 51 to 54 of TAHARA et al.). The Examiner asserts it is inappropriate for applicants to cite these passages in defense of patentability of the claims of the present application. The text of TAHARA et al. at column 16, lines 23 to 27 states: "The node manager 15 is the part provided for the purpose of generating/deleting an agent, and for migration of an agent between nodes, this corresponding to the agent control section of the first embodiment" (emphasis added). Therefore, evident from this passage is that it is the agent control section 7 of Figure 1 that controls the agent in the first embodiment of TAHARA et al. (i.e., the embodiment applied against the claims) and this is responsible for the deletion of the process at step 512 of Figure 5.

Even if the Examiner does not agree, the cited passage of TAHARA et al. does not disclose, explicitly or implicitly, that the agent process of TAHARA et al. either deletes or discards data from itself. The disclosure of TAHARA et al., either in relation to the first or second embodiments, simply teaches that the entire process is deleted by an outside control agent, either the node manager 15 in the second embodiment or the agent control section 7 in the first embodiment. As such, feature (a) of claim 1 is not disclosed or suggested by TAHARA et al.

The Examiner cites a number of passages of TAHARA et al. in support of his assertion that feature (b) is disclosed. However, as will be shown below, none of these passages actually disclose or suggest feature (b) of claim 1.

1.   Column 10, lines 10 to 14 disclose that the local information storage means 1 (i.e., a hardware storage device) stores local information. This is not a disclosure of the process receiving execution states, data or program code "specific to

the second host" as recited by claim 1. In fact, this passage does not address either execution states or the second host (remote location).

2.   As mentioned in the June 6, 2005, Reply, column 10, lines 53 to 60 disclose "First, code for the purpose of achieved a desired state by data processing is input as request code by a user..." Column 10 line 60 to column 11 line 3 describe an example of a request code but this passage does not disclose that the request code imports into the process execution states specific to the second host (i.e., the remote machine).

3.   Column 9, lines 12 to 25 appear to disclose the use of code for controlling the agent; that is, code which is for the purpose of agent control and is itself host-independent. This passage does not disclose the process receiving execution states, code or data specific to the second host.

4.   Column 8, lines 41 to 67 discuss, *inter alia*, manipulation of agent information, which is defined at column 2, lines 14 to 23. The definition is that "instructions and internal information form what is known as agent information." "Instructions" and "internal information" are defined earlier in the same passage: "Instructions are used to code the operation (behavior) of the agent, and internal information is the information that is operated upon by the operation of the agent." The passage therefore defines the "instructions" as agent code (i.e., code specific to agents and host-independent). The "internal information" is, presumably, information internal to the process and again, host-independent. There certainly is no discussion of the internal information being information (i.e., data) specific to the second host (remote

machine). Certainly, this passage does not describe the process receiving execution states, code or data specific to the second host.

5.   Column 9, lines 1 to 9 discuss "plan execution means" which "implements the operation of the agent" (col. 9, line 3). Applicants interpret the plan execution means to be "for controlling the agent." Therefore, this passage does not disclose execution states, code or data, let alone that the process receives execution states, code or data specific to the second host.

6.   Column 14, lines 44 to 61 discuss the overall process of the migration of the agent from the local machine to the remote machine. This passage discloses the manner in which the remote machine prepares itself for acceptance of the agent (step 503) and subsequently, notifies the local machine it is ready to receive the agent (step 504). When this is received at the local machine (step 505), the local machine reads the agent information (that is all the agent information) and sends the agent (including agent information) to the remote machine (steps 506, 507). The agent information is then stored in the remote machine (step 508). A subsequent step in the remote machine is for the remote machine to interpret and execute the agent (step 509). Thus, this passage does not disclose that the process receives execution states, data or code specific to the second host. Rather, this passage merely discloses that the agent is migrated/copied from the local machine to the remote machine, where the agent is executed in the remote machine.

As such, none of cited passages 1 to 6 disclose or suggest that the process receives execution states and at least one of code and data specific to the second machine.

As shown above, the limitations defined by claim 1 are significantly different from the disclosure of TAHARA et al. Moreover, it is again submitted that TAHARA et al. is not concerned with solving migration difficulties of a computing process (agent) due to hardware/configuration incompatibilities between sending and receiving hosts. Indeed, TAHARA et al. seems not to contemplate the problem solved by the present invention in that the agent (i.e., the process) of TAHARA et al. seems to be copied in its entirety from the local machine to the remote machine without any processing or modification. TAHARA et al. would therefore seem to disclose (at least implicitly if not explicitly) that the local and remote machines are compatible, if not identical. As such, the skilled artisan, seeking to arrive at the present invention, would have no motivation to consult with TAHARA et al. Assuming *arguendo* that the skilled person consulted with TAHARA et al. he/she would find neither teaching nor suggestion of the solution provided by the claim limitations. There simply is no logical or reasonable adaptation of the system of TAHARA et al. by which the skilled artisan could arrive at the claimed invention.

Therefore, in view of the above, applicants submit that claim 1 is patentably distinguishable from the TAHARA et al. Consequently, an indication of its allowability is respectfully requested.

The dependent claims are also believed to recite further patentable subject matter of the invention and therefore are also believed allowable over the prior art. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claim, in addition to reasons related to their own recitations. For example, with respect to claim 2 the Examiner interprets column 14, lines 29 to 61 of TAHARA et al. to mean the data, program code and execution states of

11

the first host of TAHARA et al. are not needed in the migration to the second host because the migration only involves the generated plan. However, applicants submit the opposite is true. Column 14, lines 46 to 51, state that the local side reads the agent information within the agent information storage means 3 and sends it to the remote side (step 506). Agent information is defined in column 2, lines 23 and 24 of TAHARA et al. as comprising instructions (code) and internal information, which is believed to be the data upon which the agent operates.

Accordingly, applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

The above amendments have been presented merely for the purpose of clarification, and not to overcome the applied prior art. Accordingly, no estoppel is deemed to result from any of the present amendments. Moreover, the amendments to the claims add no prohibited new matter.

Although the present paper is being submitted in response to a Final Official Action, it is believed that no new issues requiring further consideration or search are being raised. Thus, entry of the amendment is believed to be proper.

P21103.A10

Should the Examiner have any questions, the Examiner is invited to contact the

undersigned at the below-listed telephone number.

Respectfully submitted,
Teow Hin NGAIR et al..
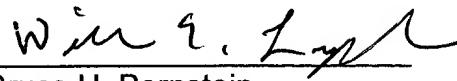
Bruce H. Bernstein
Reg. No. 29,027
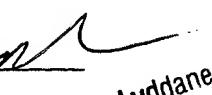
William E. Lyddane
Reg. No. 41,568

November 28, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191